

Message Text

UNCLASSIFIED

PAGE 01 GENEVA 05852 01 OF 02 231729Z

50

ACTION EUR-12

INFO OCT-01 IO-10 ISO-00 CU-04 ERDA-07 CIAE-00 H-02 INR-07

L-03 NSAE-00 OIC-02 OMB-01 PA-02 PM-03 PRS-01 SAJ-01

SAM-01 SP-02 SS-15 USIA-15 TRSE-00 DODE-00 NSC-05

ACDA-10 DHA-02 /106 W

----- 037481

R 231617Z JUL 75

FM USMISSION GENEVA

TO SECSTATE WASHDC 4859

UNCLAS SECTION 1 OF 2 GENEVA 5852

FOR EUR/RPM

E.O. 11652: N/A

TAGS: CSCE, PFOR, XG

SUBJECT: CSCE: DECLARATION ON PRINCIPLES-INTERPRETIVE STATEMENTS

REF: GENEVA 5605

1. AT TIME OF REGISTRATION ON JULY 19 OF PRINCIPLES DECLARATION AND BASKET I PREAMBLE BY SUBCOMMITTEE ON PRINCIPLES, A NUMBER OF DELEGATIONS PLACED INTERPRETIVE STATEMENTS IN THE JOURNAL CONCERNING VARIOUS ASPECTS OF THE PRINCIPLES. THESE ARE QUOTED BELOW AS THEY APPEAR IN JOURNAL FOR DEPARTMENT'S RECORDS.

2. BEGIN TEXT:

(A) THE CHAIRMAN MADE THE FOLLOWING STATEMENT:

"TAKING INTO ACCOUNT THE FOURTH PARAGRAPH OF THE PREAMBLE TO THE 'DECLARATION ON PRINCIPLES GUIDING RELATIONS BETWEEN PARTICIPATING STATES', WHICH READS AS FOLLOWS:

'EXPRESSING THEIR COMMON ADHERENCE TO THE PRINCIPLES

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GENEVA 05852 01 OF 02 231729Z

WHICH ARE SET FORTH BELOW AND ARE IN CONFORMITY WITH THE

CHARTER OF THE UNITED NATIONS, AS WELL AS THEIR COMMON WILL TO ACT, IN THE APPLICATION OF THESE PRINCIPLES, IN CONFORMITY WITH THE PURPOSES AND PRINCIPLES OF THE CHARTER OF THE UNITED NATIONS;'

TAKING INTO ACCOUNT THE FIRST OPERATIVE PARAGRAPH OF THE DOCUMENT ON RELATIONSHIP WITH THE NON-PARTICIPATING MEDITERRANEAN STATES, CSCE/CC/103;

TAKING INTO ACCOUNT THE WORDING OF THE LAST PARAGRAPH OF THE 'DECLARATION ON PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS' WHICH SAYS:

'THE PRINCIPLES OF THE CHARTER WHICH ARE EMBODIED IN THIS DECLARATION...';

IT HAS BEEN NOTED THAT MENTION OF CONFORMITY WITH THE CHARTER IS CONSIDERED AS COVERING A MENTION OF CONFORMITY WITH THE ABOVE MENTIONED 'DECLARATION'.

IN THESE CIRCUMSTANCES IT HAS NOT BEEN FOUND INDISPENSABLE TO MENTION THIS 'DECLARATION' IN THE PREAMBULAR PART OF THE DOCUMENT ON PRINCIPLES.'

NO OBJECTION WAS RAISED.

(B) THE REPRESENTATIVE OF ROMANIA MADE THE FOLLOWING STATEMENT:

'AT THE TIME OF THE ADOPTION OF THE FOLLOWING TEXT IN THE PRINCIPLE OF NON-INTERVENTION IN INTERNAL AFFAIRS:

'THEY WILL ACCORDINGLY REFRAIN FROM ANY FORM OF ARMED INTERVENTION OF THREAT OF SUCH INTERVENTION AGAINST ANOTHER PARTICIPATING STATE'.

THE REPRESENTATIVE OF ROMANIA MADE THE FOLLOWING STATEMENT:
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 GENEVA 05852 01 OF 02 231729Z

1. THE CONCEPT 'ARMED INTERVENTION' MEANS, BY DEFINITION, AN UNLAWFUL ACT;

2. THIS TEXT IS LINKED TO THE PRECEDING PARAGRAPH, WHICH DEFINES NON-INTERVENTION AS MEANING REFRAINING FROM ANY INTERVENTION IN THE INTERNAL OR EXTERNAL AFFAIRS FALLING WITHIN THE DOMESTIC JURIS-

DICTION OF ANOTHER PARTICIPATING STATE.'

(C) THE REPRESENTATIVE OF THE FEDERAL REPUBLIC OF GERMANY MADE THE FOLLOWING STATEMENT (CONCERNING PENULTIMATE PARAGRAPH OF HUMAN RIGHTS PRINCIPLE):

"WE UNDERSTAND THE WORDS 'DUTIES IN THIS FIELD' TO REFER TO THE LIMITATIONS WHICH ARE PLACED UPON THE EXERCISE OF HUMAN RIGHTS UNDER THE UNIVERSAL DECLARATION OF 1948 AND THE TWO UNITED NATIONS CONVENTIONS OF 1966, AND OF WHICH THE INDIVIDUAL SHOULD BE AWARE WHEN EXERCISING HIS RIGHTS."

(D) THE REPRESENTATIVE OF ITALY MADE THE FOLLOWING STATEMENT:

"THE DELEGATION OF ITALY IS AWARE OF THE DISCREPANCY EXISTING IN THE FORMULATION OF THE TENTH PRINCIPLE BETWEEN THE EXPRESSIONS 'OBLIGATIONS UNDER INTERNATIONAL LAW' IN THE FIRST PARAGRAPH AND THE EXPRESSION 'LEGAL OBLIGATIONS UNDER INTERNATIONAL LAW' IN THE SECOND PARAGRAPH.

IT IS THE OPINION OF THE ITALIAN GOVERNMENT THAT ANY OBLIGATION UNDER INTERNATIONAL LAW IS AUTOMATICALLY A LEGAL OBLIGATION. THIS APPLIES TO ALL OBLIGATIONS DERIVING FROM PROVISIONS OF INTERNATIONAL LAW WHATEVER THE SOURCES OF THOSE PROVISIONS.

WE THEREFORE INTERPRET THE TWO EXPRESSIONS AT PRESENT EXISTING SIDE BY SIDE IN THE FORMULATION OF THE TENTH PRINCIPLE AS ENTIRELY EQUIVALENT TO ONE ANOTHER IN THEIR POLITICAL AND JURIDICAL SUBSTANCE, NOTWITHSTANDING THE DIFFERENCE IN WORDING.
UNCLASSIFIED

UNCLASSIFIED

PAGE 04 GENEVA 05852 01 OF 02 231729Z

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 GENEVA 05852 02 OF 02 231742Z

50
ACTION EUR-12

INFO OCT-01 IO-10 ISO-00 CU-04 ERDA-07 CIAE-00 H-02 INR-07

L-03 NSAE-00 OIC-02 OMB-01 PA-02 PM-03 PRS-01 SAJ-01

SAM-01 SP-02 SS-15 USIA-15 TRSE-00 DODE-00 NSC-05

ACDA-10 DHA-02 /106 W

----- 037639

R 231617Z JUL 75

FM USMISSION GENEVA

TO SECSTATE WASHDC 4860

UNCLAS SECTION 2 OF 2 GENEVA 5852

FOR EUR/RPM

THE DELEGATION OF ITALY ACCORDINGLY GIVES ITS AGREEMENT TO THE TEXT IN QUESTION, SINCE IT CONSIDERS THAT SUCH A DIFFERENCE IN WORDING CANNOT BE INVOKED IN ORDER TO CAST DOUBT UPON OR REDUCE IN ANY WAY THE BINDING CHARACTER OF ANY PROVISION OR PRINCIPLE OF INTERNATIONAL LAW AND THE CONSEQUENT DUTY TO CONFORM TO ALL OBLIGATIONS DERIVING FROM IT."

(E) THE REPRESENTATIVES OF CANADA AND THE UNITED STATES OF AMERICA ASSOCIATED THEMSELVES WITH THE STATEMENT OF THE REPRESENTATIVE OF ITALY UNDER POINT 4 (D) ABOVE. END TEXT.

SPAIN, SWEDEN, ROMANIA, CYPRUS AND PORTUGAL REPEATED THEIR STATEMENT OF JULY 14 CONCERNING QRR TEXT REPORTED REFTEL.

3. AT MEETING NEXT DAY OF COMMITTEE I, PRINCIPLES DECLARATION, SWISS AND ROMANIAN PROPOSALS AND CBM'S WERE ALL REGISTERED AND A SERIES OF ADDITIONAL STATEMENTS WAS PLACED IN THE JOURNAL AS QUOTED BELOW. WHEN DUTCH EFFORT TO CHANGE TITLE OF CBM'S TEXT TO INCLUDE WORD UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GENEVA 05852 02 OF 02 231742Z

"RESOLUTION" FAILED, US DEL CALLED ATTENTION TO THE FACT THAT CBM DOCUMENT WAS ONLY CONFERENCE DOCUMENT NOT CLEARLY INCLUDING LANGUAGE OF INTENTION. HE ASKED IF THERE WOULD BE ANY OBJECTION TO A BRIEF US STATEMENT THAT US DID NOT REGARD CBM TEXT AS LEGALLY BINDING AND, AFTER NO SUCH OBJECTION WAS HEARD, PLACED STATEMENT QUOTED IN SUBPARA H BELOW ON RECORD.

4. BEGIN TEXT:

(A) THE REPRESENTATIVE OF THE UNITED KINGDOM MADE THE FOLLOWING STATEMENT:

"WITH REFERENCE TO THE DECISION OF COMMITTEE I TO REGISTER THE TEXT OF THE 'DECLARATION ON PRINCIPLES GUIDING RELATIONS BETWEEN PARTICIPATING STATES', THE UNITED KINGDOM DELEGATION WISH TO STATE THAT THEY NOTE THAT THE THIRD PARAGRAPH OF THE PRINCIPLE ON 'RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING FREEDOM OF THOUGHT, CONSCIENCE, RELIGION OR BELIEF' READS IN ENGLISH, AS NEGOTIATED IN SUB-COMMITTEE 1, AS FOLLOWS:

'WITHIN THIS FRAMEWORK THE PARTICIPATING STATES WILL RECOGNIZE AND RESPECT THE FREEDOM OF THE INDIVIDUAL TO PROFESS AND PRACTICE, ALONE OR IN COMMUNITY WITH OTHERS, RELIGION OR BELIEF ACTING IN ACCORDANCE WITH THE DICTATES OF HIS OWN CONSCIENCE.'

THEY FURTHER NOTE THAT IN FRENCH THE TEXT READS AS FOLLOWS: (TEXT IN FRENCH)

THEY FURTHER NOTE THAT IN GERMAN THE TEXT READS AS FOLLOWS: (TEXT IN GERMAN)

THEY FURTHER NOTE THAT IN ITALIAN THE TEXT READS AS FOLLOWS: (TEXT IN ITALIAN)

THEY FURTHER NOTE THAT IN RUSSIAN THE TEXT READS AS FOLLOWS: (TEXT IN RUSSIAN)

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 GENEVA 05852 02 OF 02 231742Z

THEY FURTHER NOTE THAT IN SPANISH THE TEXT READS AS FOLLOWS: (TEXT IN SPANISH)

THE UNITED KINGDOM DELEGATION GAVE THEIR CONSENT TO REGISTRATION OF THE DECLARATION ON PRINCIPLES GUIDING RELATIONS BETWEEN PARTICIPATING STATES ON THE ASSUMPTION THAT THE WORD 'VIERA' IN THE RUSSIAN TEXT HAS THE SAME BROAD MEANING AS THE WORD 'BELIEF', OR ITS EQUIVALENT, AS IT APPEARS IN THE ENGLISH AND ALL OTHER TEXTS OF THE THIRD PARAGRAPH AND IN ARTICLE 18 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS.'

(B) THE REPRESENTATIVES OF CANADA, BELGIUM, THE NETHERLANDS, THE UNITED STATES OF AMERICA, LIECHTENSTEIN, ITALY, NORWAY AND PORTUGAL ASSOCIATED THEMSELVES WITH THE STATEMENT OF THE REPRESENTATIVE OF THE UNITED

KINGDOM UNDER POINT 4 (A) ABOVE.

(C) THE REPRESENTATIVE OF THE USSR MADE THE FOLLOWING STATEMENT:

"IN CONNEXION WITH THE STATEMENT MADE BY THE DELEGATION OF GREAT BRITAIN AT THE TIME OF REGISTRATION BY COMMITTEE I OF THE TEXT OF THE DECLARATION ON PRINCIPLES GUIDING RELATIONS BETWEEN PARTICIPATING STATES, THE DELEGATION OF THE USSR CONSIDERS IT NECESSARY TO INFORM ALL MEMBERS OF COMMITTEE I THAT THE RUSSIAN WORD 'VIERA' FULLY AND PRECISELY CORRESPONDS TO THE ENGLISH WORD 'BELIEF' IN THE CONTEXT OF THE THIRD PARAGRAPH OF THE SEVENTH PRINCIPLE OF THAT DECLARATION."

(D) THE REPRESENTATIVES OF BULGARIA AND THE GERMAN DEMOCRATIC REPUBLIC ASSOCIATED THEMSELVES WITH THE STATEMENT OF THE REPRESENTATIVE OF THE USSR UNDER POINT 4 (C) ABOVE.

THE REPRESENTATIVE OF CZECHOSLOVAKIA MADE THE FOLLOWING STATEMENT:

"THE DELEGATION OF THE CZECHOSLOVAK SOCIALIST REPUBLIC, WHICH HAS BEEN USING THE ENGLISH LANGUAGE
UNCLASSIFIED

UNCLASSIFIED

PAGE 04 GENEVA 05852 02 OF 02 231742Z

AS ITS WORKING LANGUAGE IN THE SUB-COMMITTEE A, JOINS THE STATEMENT MADE BY THE REPRESENTATIVE OF THE USSR."

(F) THE REPRESENTATIVE OF GREECE MADE THE FOLLOWING STATEMENT:

"WITH REFERENCE TO THE SECOND OPERATIVE PARAGRAPH OF DOCUMENT CSCE/II/B/123, THE HELLENIC DELEGATION CONSIDERS THAT THE TWO CASES ENVISAGED AT THE END OF THIS PARAGRAPH (INVASION OR ATTACK) ARE NOT EXHAUSTIVE, BUT ARE MENTIONED ONLY BY WAY OF EXAMPLE."

(G) THE REPRESENTATIVE OF CYPRUS MADE THE FOLLOWING STATEMENT:

"THE DELEGATION OF CYPRUS FULLY ASSOCIATES ITSELF WITH THE STATEMENT JUST MADE BY THE DELEGATION OF GREECE."

(H) THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA MADE THE FOLLOWING STATEMENT:

"THE GOVERNMENT OF THE UNITED STATES OF AMERICA DOES NOT REGARD 'DOCUMENT ON CONFIDENCE-BUILDING MEASURES

AND CERTAIN ASPECTS OF SECURITY AND DISARMAMENT TO BE
LEGALLY BINDING."

END TEXT. DALE

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, AGREEMENT DRAFT, COLLECTIVE SECURITY, DECLARATIONS, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 23 JUL 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975GENEVA05852
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750254-0624
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750730/aaaabaxm.tel
Line Count: 335
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 7
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 75 GENEVA 5605
Review Action: RELEASED, APPROVED
Review Authority: greeneet
Review Comment: n/a
Review Content Flags:
Review Date: 03 MAR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03 MAR 2003 by ThomasVJ>; APPROVED <17 MAR 2004 by greeneet>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CSCE: DECLARATION ON PRINCIPLES-INTERPRETIVE STATEMENTS
TAGS: PFOR, XG, CSCE
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006